

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

LEO BEATTY, a/k/a "Mouse,"

Defendant.

Crim. No. 0 4:05-cr-40021-FDS

**JOINT INITIAL STATUS REPORT
AND MOTION TO CONTINUE INITIAL STATUS CONFERENCE**

The United States of America (the "government") and the defendant, Leo Beatty, a/k/a "Mouse" ("Defendant"), by their respective undersigned counsel, submit this joint status report pursuant to Local Rule 116.5(A) and the Initial Scheduling Order issued by Chief United States Magistrate Judge Charles B. Swartwood, III, on May 17, 2005 (the "Initial Scheduling Order").

1. Local Rule 116.3 Timing Requirements

At this time the parties do not seek relief from the timing requirements imposed by L.R. 116.3 and the Initial Scheduling Order.

2. Expert Discovery

The government anticipates that, unless there is a stipulation regarding the controlled substance involved in this case, it will offer expert testimony regarding the heroin at issue. The Defendant reserves his right to seek such discovery.

3. Additional Discovery

Rule 16 and automatic discovery materials have been provided or made available to Defendant's counsel (in automatic discovery letters dated June 14, 2005 and June 22, 2005). To the government's knowledge, only two discovery items remain outstanding, including two DEA

reports, which the undersigned attorney for the government is in the process of obtaining from DEA. The government expects to receive these reports within the next two (2) weeks, at which time they will be immediately produced to defense counsel. In the event that the government becomes aware of any additional Rule 16 and/or automatic discovery material, it will immediately provide such material to defense counsel.

4. Motion Date

The parties jointly request that all discovery motions be filed on or before July 29, 2005, and any responses be served by August 12, 2005. The parties also request that the time between the filing of this *Joint Initial Status Report and Motion to Continue Initial Status Conference* and the date of the Initial Status Conference (which the parties request be rescheduled to the week of July 25, 2005), be excluded from all Speedy Trial Act calculations.

5. Speedy Trial Act

The parties have conferred on the periods excludable from all Speedy Trial Act calculations and believe that the following periods are excludable:

5/17/05 – 6/14/05	Order on Excludable Time (C.M.J. Swartwood, May 17, 2005)
6/23/05 - date of Initial Status Conf.	Excluded as set forth above

As of the Initial Status Conference, eight (8) days will have been counted (6/15/05 - 6/22/05) and 62 days will remain under the Speedy Trial Act.

6. Anticipated Trial

It is too early to tell whether a trial will be needed in this matter. The United States estimates that a trial would last approximately four (4) days.

7. Initial Status Conference

The parties request that the Court continue the Initial Status Conference (currently scheduled for Tuesday, June 28, 2005 at 2:30 p.m.) until a date that is convenient for the Court during the week of July 25, 2005. The parties also jointly request that all time from June 23, 2005 (the filing of this *Joint Initial Status Report and Motion to Continue Initial Status Conference*) through the date of the Initial Status Conference be excluded from all Speedy Trial Calculations. In support of this request for a continuance, the parties state that: (i) defense counsel has not had an opportunity to review the discovery produced by the government, and (ii) the parties therefore submit that an Initial Status Conference would not be productive at this point and that it would be more efficient to hold the Initial Status Conference on a date that is convenient for the Court during the week of July 25, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
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DEFENDANT LEO BEATTY,
By his attorney,

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June 23, 2005